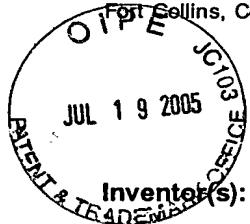


07-20-5



IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

ZIM
AF

Inventor(s): Kannan Govindarajan et al.

Confirmation No.: 7279

Application No.: 09/733,027

Examiner: L. Divine

Filing Date: 12/08/2000

Group Art Unit: 2624

Title: MANAGING THE LIFETIME OF DISTRIBUTED RESOURCE DATA USING TEMPORAL SCOPES

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 05/20/2005.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

() (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

() one month	\$120.00
() two months	\$450.00
() three months	\$1020.00
() four months	\$1590.00

() The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

(X) I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV482707624US, in an envelope addressed to: MS Appeal Brief-Patents, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450
Date of Deposit: July 19, 2005

Respectfully submitted,

Kannan Govindarajan et al.

By

R. Ross Viguet

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Date: 07/19/2005

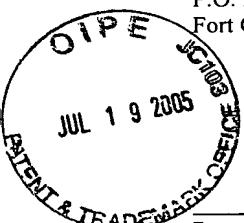
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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

Docket No.: 10001428-1
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kannan Govindarajan et al.

Application No.: 09/733,027

Confirmation No.: 7279

Filed: December 8, 2000

Art Unit: 2624

For: **MANAGING THE LIFETIME OF
DISTRIBUTED RESOURCE DATA USING
TEMPORAL SCOPES**

Examiner: L. Divine

APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

As required under § 41.37(a), this brief is filed within two months of the Notice of Appeal filed in this case on May 20, 2005, and is in furtherance of said Notice of Appeal.

The fees required under § 41.20(b)(2) are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37 and M.P.E.P. § 1206:

- I. Real Party In Interest
- II. Related Appeals and Interferences
- III. Status of Claims
- IV. Status of Amendments
- V. Summary of Claimed Subject Matter
- VI. Grounds of Rejection to be Reviewed on Appeal
- VII. Argument
- VIII. Claims
- IX. Evidence

X.	Related Proceedings
Appendix A	Claims
Appendix B	Evidence
Appendix C	Related Proceedings

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is:

Hewlett-Packard Development Company, L.P., a Texas Limited Partnership having its principal place of business in Houston, Texas.

II. RELATED APPEALS, INTERFERENCES, AND JUDICIAL PROCEEDINGS

There are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 24 claims pending in application.

B. Current Status of Claims

1. Claims canceled: None
2. Claims withdrawn from consideration: None
3. Claims pending: 1-24
4. Claims allowed: None
5. Claims objected to: 7-12 and 19-24
6. Claims rejected: 1-6 and 13-18

C. Claims On Appeal

The claims on appeal are claims 1-24.

IV. STATUS OF AMENDMENTS

No Amendment After Final Rejection has been filed with respect to the present application. Accordingly, the claims enclosed herein as Appendix A are as indicated in the paper filed by Appellants on November 10, 2004.

V. SUMMARY OF CLAIMED SUBJECT MATTER

According to claim 1, a method of programmatically managing a lifetime of client-specific data objects over one or more client sessions (page 12, lines 17-24) comprises receiving a first begin scope instruction (figure 9A, item 201), tracking one or more first client-specific data objects in response to the first begin scope instruction (figure 9A, item 203), receiving a first end scope instruction (figure 9A, item 205), and removing the first client-specific data objects in response to the first end scope instruction (figure 9A, item 207).

According to claim 13, a computer system for programmatically managing the lifetime of client-specific resource data objects over one or more client sessions (figure 1; page 6, lines 19-21), the computer system comprising one or more computers (figure 1, items 43 and 45) interconnected by a computer network (figure 1, item 47), a computer program executing on at least one the computers (page 12, lines 24-25), wherein the computer

program further comprise computer instructions for receiving a first begin scope instruction (figure 7, item 153), tracking one or more first client-specific resource data objects in response to the first begin scope instruction (figure 9A, item 203), receiving a first end scope instruction (figure 9A, item 205), removing the first client-specific resource data objects in response to the first end scope instruction (figure 9A, item 207).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 6 and 18 are properly rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Whether claims 1, 2, 6, 13, 14, and 18 are properly rejected under 35 U.S.C. § 102(e) as being anticipated U.S. Patent No. 6,584,505 to Howard et al. (hereinafter *Howard*).

Whether claims 3, 5, 15, and 17 are properly rejected under 35 U.S.C. § 103(a) as being unpatentable over *Howard* in view of U.S. Patent No. 6,751,659 to Haun et al. (hereinafter *Haun*).

Whether claims 4 and 16 are properly rejected under 35 U.S.C. § 103(a) as being unpatentable over *Howard* in view of U.S. Patent No. 6,691,113 to Harrison et al. (hereinafter *Harrison*).

VII. ARGUMENT

A. General

Claims 1-24 are pending in the present application. Appellants note with appreciation that the Appellee has indicated that claims 7-12 and 19-24 include patentable subject matter and would be allowed if rewritten in independent form.

Claims 6 and 18 stand rejected under 35 U.S.C. § 112. Claims 1, 2, 6, 13, 14, and 18 stand rejected under 35 U.S.C. § 102. Claims 3-5 and 15-17 stand rejected under 35 U.S.C. § 103. Appellants respectfully traverse the rejections of record.

B. The 35 U.S.C § 112 Rejections

Claims 6 and 18 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Appellants regard as the invention. Claims 6 and 18 recite, in part:

“...the first begin scope instruction and the first end scope instruction include information identifying the first begin scope instruction and the first end scope instruction.”

Appellee contends that it is unclear which instruction information is included within which instruction. Particularly, Appellee states that “[a] reading implies the inclusion of both the begin and end scope instruction information in the begin scope instruction as well as the end scope instruction.” Final Office Action, page 2. Appellants assert that claims 6 and 18 clearly set forth that each instruction includes information identifying both instructions, and therefore the claim is not indefinite under 35 U.S.C. § 112.

The standard for definiteness of a claim is whether a person of skill in the art can determine the scope of the invention based on the language of the claims with “a reasonable degree of certainty.” MPEP 2173.02 (citing *In re Wiggins*, 488 F.2d 538, 179 U.S.P.Q. 421 (C.C.P.A. 1973)). Appellants assert that a person of ordinary skill in the art would be able to determine the scope of claims 6 and 18 with a reasonable degree of certainty, particularly in light of the present specification. For example, the present specification teaches the simultaneous use of multiple scopes, each having a begin scope and an end scope instruction associated therewith. *See e.g.*, figures 8, 9B, and 9C. An embodiment of the present invention may utilize information identifying a begin instruction (e.g., a scope name, see page 18, lines 9-11) and information identifying an end instruction included within both begin and end instructions in order to associate corresponding pairs of instructions.

Therefore, Appellants respectfully asserts that the language of claims 6 and 18 is **not** indefinite. Accordingly, Appellants request that the 35 U.S.C. § 112, second paragraph, rejections be withdrawn.

C. The 35 U.S.C. § 102 Rejections Over *Howard*

Claims 1, 2, 6, 13, 14, and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Howard*.

In order to anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim. *See M.P.E.P. § 2131.* Appellants respectfully assert that the applied reference does not teach every element of claims 1, 2, 6, 13, 14, and 18.

1. Claims 1 and 13

Claims 1 and 13 each recite, in part, “tracking one or more first client-specific data objects in response to the first begin scope instruction.” In rejecting claims 1 and 13, Appellee relies upon the disclosure of *Howard*, which generally discusses a system for granting access to various network servers using a single authentication server in order to allow a user to maintain a single login ID and password. *See Final Office Action*, page 4; and *Howard*, col. 2, lines 33-45.

Howard is insufficient to render these claims anticipated under 35 U.S.C. § 102, at least, because it does not teach “tracking one or more first client-specific data objects in response to the first begin scope instruction,” as recited by claims 1 and 13. In the Advisory Action, Appellee argues that:

“Since all cookies are deleted from the client system upon logout, and one of the cookies is the tracking cookie, *Howard does teach and suggest deleting the cookie that contains a list of all sites visited by the user* since the last logout when the user logs out of the authentication server.” *Advisory Action*, page 2 (emphasis added).

Appellants agree that *Howard* teaches tracking “all sites (or web servers) visited by the user.” *Howard*, col. 7, lines 23-26. However, this does not meet the claimed limitation. Tracking sites using a cookie is not the same as tracking cookies placed on a client. Appellants respectfully point out that claims 1 and 13 recite tracking “client-specific data objects.” Appellee is relying upon cookies placed on the client to meet the recited client-specific data objects. *Advisory Action*, page 2. Because *Howard* teaches tracking a list of sites visited and not the cookies placed on the client, *Howard* does not teach “tracking one or more first client-specific data objects,” as required by claims 1 and 13. *Howard*, col. 7, lines

23-26. Therefore, *Howard* does not teach every element of claims 1 and 13. Accordingly, Appellants respectfully request reversal of the rejection of claims 1 and 13.

In addition, Appellants also point out that claims 1 and 13 recite tracking client-specific data objects “in response to the first begin scope instruction.” Appellee is relying upon a login (into an authentication server) to meet the recited begin scope instruction. Advisory Action, page 2. Because *Howard*’s tracking is performed by “a cookie that contains a list of all sites (or web servers) visited by the user *since the last logout* from the authentication server,” *Howard* does not teach tracking “in response to a begin scope instruction,” as required by claim 1. *Howard*, col. 7, lines 23-26. Instead, *Howard* teaches, at most, tracking sites visited in response to a logout. Therefore, *Howard* does not teach every element of claims 1-13. Accordingly, Appellants respectfully request reversal of the rejection of claims 1 and 13.

2. Claims 2 and 14

Claims 2 and 14 each recite, in part, “if the first begin scope instruction includes a transient scope instruction and a current client session terminates, then removing the first client-specific resource data objects prior to the first end scope instruction.” In rejecting claims 2 and 14, Appellee relies upon the disclosure of *Howard*. See Final Office Action, page 4; and *Howard*, col. 2, lines 33-45.

Howard is insufficient to render these claims anticipated under 35 U.S.C. § 102, at least, because it does not teach a first begin scope instruction including a transient scope instruction, as recited by claims 2 and 14. In the Final Office Action, Appellee states that:

“Howard’s fundamental system automatically includes a transient scope in the tracking of client resource data by removing client-specific data objects after session termination. Howard discusses that if the user session times out and the user does not verify login information, the session is automatically terminated prior to an end scope instruction.” Final Office Action, page 3.

In other words, Appellee argues that because *Howard*’s login session may eventually end due to a timeout, *Howard*’s login request must include a transient scope instruction. However, just because a session may end prematurely, it does not follow that a login instruction must include a transient scope instruction. Appellee has failed to point out any section of *Howard*

that teaches or indicates that a begin scope instruction may include a transient scope instruction. Moreover, Appellants assert that *Howard* does not teach a begin scope instruction that may include a transient scope instruction. Therefore, *Howard* does not teach every element of claims 2 and 14. Accordingly, Appellants respectfully request reversal of the rejection of claims 2 and 14.

Furthermore, dependent claims 2 and 14 depend from independent claims 1 and 13, respectively, and thus inherit all of the limitations of those independent claims. Therefore, *Howard* does not teach all claim limitations of claims 2 and 14. It is respectfully submitted that dependent claims 2 and 14 are allowable at least because of their dependence from independent claims 1 and 13 for the reasons discussed above. Accordingly, Appellants respectfully request reversal of the rejection of claims 2 and 14.

3. Claims 6 and 18

Claims 6 and 18 each recite, in part, “the first begin scope instruction and the first end scope instruction include information identifying the first begin scope instruction and the first end scope instruction.” In rejecting claims 6 and 18, Appellee relies upon the disclosure of *Howard*. See Final Office Action, page 4; and *Howard*, col. 2, lines 33-45.

Howard is insufficient to render these claims anticipated under 35 U.S.C. § 102, at least, because it does not teach a first begin scope instruction and a first end scope instruction including information identifying the first begin scope instruction and the first end scope instruction, as recited by claims 6 and 18. In the Final Office Action, Appellee states that:

“identifying information of the first begin and end instructions is inherent to the login and logout of Howard. The login and logout of Howard must include information tying which logout relates to which login and other information such as user name and information.” Final Office Action, page 4.

However, claims 6 and 18 clearly set forth that each instruction includes information identifying both instructions. In *Howard*, for example, there is no teaching or indication that the login instruction includes information about the logout instruction. Appellee has failed to point out any section of *Howard* that teaches or indicates that a begin scope instruction includes information identifying an end scope instruction. Therefore, *Howard* does not teach

every element of claims 6 and 18. Accordingly, Appellants respectfully request reversal of the rejection of claims 6 and 18.

Furthermore, dependent claims 6 and 18 depend from independent claims 1 and 13, respectively, and thus inherit all of the limitations of those independent claims. Therefore, *Howard* does not teach all claim limitations of claims 6 and 18. It is respectfully submitted that dependent claims 6 and 18 are allowable at least because of their dependence from independent claims 1 and 13 for the reasons discussed above. Accordingly, Appellants respectfully request reversal of the rejection of claims 6 and 18.

D. The 35 U.S.C. § 103 Rejections Over *Howard* in View of *Haun*

Claims 3, 5, 15, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Howard* in view of *Haun*.

To establish a prima facie case of obviousness under 35 U.S.C. § 103(a), three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the references teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. Without conceding the second criteria, Appellants respectfully assert that the rejection does not satisfy the first and/or third criteria.

1. Claims 3 and 15

a. Lack of All Claimed Limitations

Claims 3 and 15 each recite, in part, “if the first begin scope instruction includes a persistent scope instruction, and one or more of the first client-specific resource data objects is designated persistent in response to a client instruction, then if a current client session terminates, then storing the designated persistent client-specific data objects for use in a next client session.” Appellee relies upon a combination of *Howard* and *Haun* in rejecting claims 3 and 15. *See* Final Office Action, page 5. *Howard* generally discusses a system for granting access to various network servers using a single authentication server in order to allow a user

to maintain a single login ID and password. *Howard*, col. 2, lines 33-45. Meanwhile, *Haun* discusses a system for providing and maintaining an operating system in a net-bootable environment. *Haun*, col. 1, lines 45-47.

The combination of *Howard* and *Haun* is insufficient to render these claims anticipated under 35 U.S.C. § 103, at least, because it does not teach or suggest a begin scope instruction comprising a persistent scope instruction, as recited by claims 3 and 15. Appellee relies only upon *Haun* as teaching or suggesting the claimed limitation. In the Final Office Action, Appellee states that:

“The objects that are stored are designated persistent in response to a client instruction (col. 5 lines 15-18 and col. 6 line 29, wherein changes are made by the user that set the desirable persistent information). The first begin instruction that initiates the login must include a persistent instruction in order to let the management process know to bring up the persistent objects from the last session (col. 6 line 31, wherein the user’s next login brings back their client persistent information.” Final Office Action, page 5.

However, the foregoing is an incorrect reading of *Haun*. Instead, according to *Haun*:

“the user environment management process 182 tracks and maintains the persistent user data 186 to insure that changes the user has made during the current session will be persistent at the next logic.” *Haun*, col 6., lines 23-26.

Hence, *Haun*’s objects are automatically designated persistent by the user environment process, and not in response to a begin scope instruction including a persistent scope instruction, as required by claims 3 and 15. Appellee has failed to point out any section of *Howard* or *Haun* that teaches or suggests that a begin scope instruction may include a persistent scope instruction. Moreover, Appellants assert that the combination of *Howard* and *Haun* does not teach or suggest that a begin scope instruction may include a persistent scope instruction. Therefore, the combination of *Howard* and *Haun* does not teach or suggest every element of claims 3 and 15. Accordingly, Appellants respectfully request reversal of the rejection of claims 3 and 15.

Furthermore, claims 3 and 15 depend from independent claims 1 and 13, respectively, and thus inherit all of the limitations of their independent claims. As noted above, *Howard* does not teach or suggest, at least, “tracking one or more first client-specific data objects in

response to the first begin scope instruction,” as required by claims 1 and 13. Appellee does not rely upon *Haun* as teaching or suggesting this limitation, and Appellants assert that *Haun* does not teach or suggest this limitation. Therefore, the applied combination of *Howard* and *Haun* does not teach or suggest all claim limitations of claims 1 and 13. Accordingly, the applied combination of *Howard* and *Haun* does not teach or suggest all claim limitations of claims 3 and 15. It is respectfully submitted that dependent claims 3 and 15 are allowable at least because of their dependence from independent claims 1 and 13, and for the reasons discussed above. Accordingly, Appellants respectfully request reversal of the rejection of claims 3 and 15.

b. Lack of Motivation

The combination of *Howard* and *Haun* is insufficient to render claims 3 and 15 anticipated under 35 U.S.C. § 103, at least, because there is no suggestion or motivation in *Howard* or *Haun* to combine the authentication system described in *Howard* with the net-bootable system of *Haun*. Appellee states that:

“[i]t would have been obvious to one of ordinary skill in the art to apply the program steps of *Haun* to the networked client system of *Howard* in order to enable desirable persistent storage of client data. This motivation would allow the system of *Howard* to bring back user information, preferences, profiles, and other desirable data from session to session.” Final Office action, page 5.

However, the mere fact that references *can* be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990); M.P.E.P. § 2143.01. There is no indication of any need to bring back user information, preferences, and/or profiles in *Howard*. Thus, the prior art does not suggest the desirability of any combination of *Howard* and *Haun*. Consequently, there is no suggestion or motivation to combine the net-bootable system of *Haun* with the authentication system of *Howard*. Appellants respectfully assert that, for the above reasons, claims 3 and 15 are patentable over the 35 U.S.C. § 103(a) rejection of record.

2. Claims 5 and 17

a. Lack of All Claimed Limitations

Claims 5 and 17 each recite, in part, “if the first begin scope instruction includes a persistent scope instruction, and one or more of the first client-specific resource data objects is designated persistent in response to a client instruction, then if a current client session terminates, then storing the designated persistent client-specific data objects for use in a next client session.” Appellee relies upon a combination of *Howard* and *Haun* in rejecting claims 5 and 17. *See* Final Office Action, page 5. *Howard* generally discusses a system for granting access to various network servers using a single authentication server in order to allow a user to maintain a single login ID and password. *Howard*, col. 2, lines 33-45. Meanwhile, *Haun* discusses a system for providing and maintaining an operating system in a net-bootable environment. *Haun*, col. 1, lines 45-47.

Claims 5 and 17 each recite, in part, “if the first begin scope instruction includes a transient scope instruction and a current client session terminates, then removing the first client-specific resource data objects prior to the first end scope instruction.” In rejecting claims 5 and 17, Appellee relies only upon the disclosure of *Howard* as providing this limitation. *See* Final Office Action, page 4; and *Howard*, col. 2, lines 33-45. Appellants assert that the combination of *Howard* and *Haun* is insufficient to render these claims anticipated under 35 U.S.C. § 103, at least, because it does not teach or suggest a first begin scope instruction including a transient scope instruction, as recited by claims 5 and 17. In the Final Office Action, Appellee states that:

“Howard’s fundamental system automatically includes a transient scope in the tracking of client resource data by removing client-specific data objects after session termination. Howard discusses that if the user session times out and the user does not verify login information, the session is automatically terminated prior to an end scope instruction.” Final Office Action, page 3.

In other words, Appellee argues that because *Howard*’s login session may eventually end due to a timeout, *Howard*’s login request must include a transient scope instruction. However, just because a session may end prematurely, it does not follow that a login instruction must include a transient scope instruction. Appellee has failed to point out any section of *Howard* or *Haun* that teaches or suggests that a begin scope instruction may include a transient scope

instruction. Moreover, Appellants assert that the combination of *Howard* and *Haun* does not teach or suggest a begin scope instruction that may include a transient scope instruction. Therefore, the proposed combination of *Howard* and *Haun* does not teach or suggest every element of claims 5 and 17. Accordingly, Appellants respectfully request reversal of the rejection of claims 5 and 17.

Each of claims 5 and 17 also recite, in part, “if the first begin scope instruction includes a persistent scope instruction, and one or more of the first client-specific resource data objects is designated persistent in response to a client instruction, then if a current client session terminates, then storing the designated persistent client-specific data objects for use in the next client session.” In rejecting claims 5 and 17, Appellee relies only upon the disclosure of *Haun* as providing this limitation. Appellants assert that the combination of *Howard* and *Haun* is insufficient to render claims 5 and 17 anticipated under 35 U.S.C. § 103, at least, because it does not teach or suggest a begin scope instruction comprising a persistent scope instruction, as recited by the claims. In the Final Office Action, Appellee states that:

“The objects that are stored are designated persistent in response to a client instruction (col. 5 lines 15-18 and col. 6 line 29, wherein changes are made by the user that set the desirable persistent information). The first begin instruction that initiates the login must include a persistent instruction in order to let the management process know to bring up the persistent objects from the last session (col. 6 line 31, wherein the user’s next login brings back their client persistent information.” Final Office Action, page 5.

However, the foregoing is an incorrect reading of *Haun*. Instead, according to *Haun*:

“the user environment management process 182 tracks and maintains the persistent user data 186 to insure that changes the user has made during the current session will be persistent at the next logic.” *Haun*, col 6., lines 23-26.

Hence, *Haun*’s objects are automatically designated persistent by the user environment process, and not in response to a begin scope instruction including a persistent scope instruction, as required by claims 5 and 17. Appellee has failed to point out any section of *Howard* or *Haun* that teaches or suggests that a begin scope instruction may include a persistent scope instruction. Moreover, Appellants assert that the combination of *Howard* and *Haun* does not teach or suggest that a begin scope instruction may include a persistent

scope instruction. Therefore, the combination of *Howard* and *Haun* does not teach or suggest every element of claims 5 and 17. Accordingly, Appellants respectfully request reversal of the rejection of claims 5 and 17.

Furthermore, claims 3 and 15 depend from independent claims 1 and 13, respectively, and thus inherit all of the limitations of their independent claims. As noted above, *Howard* does not teach or suggest, at least, “tracking one or more first client-specific data objects in response to the first begin scope instruction,” as required by claims 1 and 13. Appellee does not rely upon *Haun* as teaching or suggesting this limitation, and Appellants assert that *Haun* does not teach or suggest this limitation. Therefore, the applied combination of *Howard* and *Haun* does not teach or suggest all claim limitations of claims 1 and 13. Accordingly, the applied combination of *Howard* and *Haun* does not teach or suggest all claim limitations of claims 3 and 15. It is respectfully submitted that dependent claims 3 and 15 are allowable at least because of their dependence from independent claims 1 and 13, and for the reasons discussed above. Accordingly, Appellants respectfully request reversal of the rejection of claims 3 and 15.

b. Lack of Motivation

The combination of *Howard* and *Haun* is insufficient to render claims 5 and 17 anticipated under 35 U.S.C. § 103, at least, because there is no suggestion or motivation in *Howard* or *Haun* to combine the authentication system described in *Howard* with the net-bootable system of *Haun*. Appellee states that:

“[i]t would have been obvious to one of ordinary skill in the art to apply the program steps of *Haun* to the networked client system of *Howard* in order to enable desirable persistent storage of client data. This motivation would allow the system of *Howard* to bring back user information, preferences, profiles, and other desirable data from session to session.” Final Office action, page 5.

However, the mere fact that references *can* be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990); M.P.E.P. § 2143.01. There is no indication of any need to bring back user information, preferences, and/or profiles in *Howard*. Thus, the prior art does not suggest the desirability of any combination of *Howard* and *Haun*. Consequently, there is no suggestion or motivation to combine the net-bootable system of

Haun with the authentication system of *Howard*. Appellants respectfully assert that, for the above reasons, claims 5 and 17 are patentable over the 35 U.S.C. § 103(a) rejection of record.

E. The 35 U.S.C. § 103 Rejections Over *Howard* in View of *Harrison*

Claims 4 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Howard* in view of *Harrison*.

To establish a prima facie case of obviousness under 35 U.S.C. § 103(a), three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the references teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See M.P.E.P. § 2143. Without conceding the second criteria, Appellants respectfully assert that the rejection does not satisfy the first and/or third criteria.

1. Claims 4 and 16

a. Lack of All Claimed Limitations

Claim 4 recites, in part, “the client designates the persistent data objects by naming the data objects in a persistent folder in the client name-space.” Claim 16 recites, in part, “designating the persistent data objects by providing a name for the data objects in a persistent folder in the client name-space in response to a client instruction.” Appellee relies upon a combination of *Howard* and *Harrison* in rejecting claims 4 and 16. See Final Office Action, page 6. *Howard* generally discusses a system for granting access to various network servers using a single authentication server in order to allow a user to maintain a single login ID and password. *Howard*, col. 2, lines 33-45. Meanwhile, *Harrison* discusses a system that enables client computer software programs to store data securely on a client computer system. *Harrison*, col. 4, lines 48-50.

The combination of *Howard* and *Harrison* is insufficient to render these claims anticipated under 35 U.S.C. § 103, at least, because it does not teach or suggest a client that designates the persistent data objects, or designating persistent data objects in response to a

client instruction, as recited by claims 4 and 16. Appellee relies only upon *Harrison* as teaching or suggesting the claimed limitations. In the Final Office Action, Appellee states that:

“Harrison teaches a [sic] designating persistent data objects with names for the objects (col. 7 line 67, wherein the data is stored with names). These objects are stored in a persistent folder in the client name-space in response to a client instruction (Fig. 6 ref no. 500, col. 5 line 11 and col. 7 lines 65 and 66, wherein the client persistent data is stored on the client computer). The instruction could be any of a number of things, from logging out, setting preferences, changing profile information, or any other user data.” Final Office Action, page 6.

In other words, Appellee argues that *Harrison*’s persistent objects are stored in response to a client instruction. However, *Harrison*’s objects are *not* designated as persistent objects by a client or in response to a client instruction, as required by claims 4 and 16. Instead, such designation is automatically made by the software program (e.g., applet) attempting to access the client computer system’s disk. *Harrison*, col 7., lines 37-66. Therefore, the combination of *Howard* and *Harrison* does not teach or suggest every element of claims 4 and 16.

Furthermore, claims 4 and 16 depend from independent claims 1 and 13, respectively, and thus inherit all of the limitations of their independent claims. As noted above, *Howard* does not teach or suggest, at least, “tracking one or more first client-specific data objects in response to the first begin scope instruction,” as required by claims 1 and 13. Appellee does not rely upon *Harrison* as teaching or suggesting this limitation, and Appellants assert that *Harrison* does not teach or suggest this limitation. Therefore, the applied combination of *Howard* and *Harrison* does not teach or suggest all claim limitations of claims 1 and 13. Accordingly, the applied combination of *Howard* and *Harrison* does not teach or suggest all claim limitations of claims 4 and 16. It is respectfully submitted that dependent claims 4 and 16 are allowable at least because of their dependence from independent claims 1 and 13, and for the reasons discussed above. Accordingly, Appellants respectfully request reversal of the rejection of claims 4 and 16.

b. Lack of Motivation

The combination of *Howard* and *Harrison* is insufficient to render claims 4 and 16 anticipated under 35 U.S.C. § 103, at least, because there is no suggestion or motivation in
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Howard or *Harrison* to combine the authentication system described in *Howard* with the persistent data storage system of *Harrison*. Appellee states that:

“[i]t would have been obvious to one of ordinary skill in the art to apply the persistent data scheme and naming of *Harrison* to the client system of *Howard*. The motivation for doing so would have been to allow the system of *Howard* to bring back user information, preferences, profiles, and other desirable data from session to session and to access this data with specific naming to make the system easy for use and design” Final Office action, page 7.

However, the mere fact that references *can* be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990); M.P.E.P. § 2143.01. There is no indication of any need to bring back user information, preferences, and/or profiles in *Howard*. Thus, the prior art does not suggest the desirability of any combination of *Howard* and *Harrison*. Consequently, there is no suggestion or motivation to combine the persistent data storage system of *Harrison* with the authentication system of *Howard*. Appellants respectfully assert that, for the above reasons, claims 4 and 16 are patentable over the 35 U.S.C. § 103(a) rejection of record.

VIII. CLAIMS

A copy of the claims involved in the present appeal is attached hereto as Appendix A.

IX. EVIDENCE

No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the examiner is being submitted.

X. RELATED PROCEEDINGS

No related proceedings are referenced in II. above, or copies of decisions in related proceedings are not provided, hence no Appendix is included.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail Airbill No. EV482707624US, in an envelope addressed to: MS Appeal Brief – Patent, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Date of Deposit: July 19, 2005

Typed Name: Susan Bloomfield

Signature:



Respectfully submitted,

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APPENDIX A**Claims Involved in the Appeal of Application Serial No. 09/733,027**

1. A method of programmatically managing a lifetime of client-specific data objects over one or more client sessions, the method comprising:

receiving a first begin scope instruction;

tracking one or more first client-specific data objects in response to the first begin scope instruction;

receiving a first end scope instruction; and

removing the first client-specific data objects in response to the first end scope instruction.

2. The method of Claim 1, further comprising:

if the first begin scope instruction includes a transient scope instruction and a current client session terminates, then removing the first client-specific resource data objects prior to the first end scope instruction.

3. The method of Claim 1, further comprising:

if the first begin scope instruction includes a persistent scope instruction, and one or more of the first client-specific resource data objects is designated persistent in response to a client instruction, then:

if a current client session terminates, then storing the designated persistent client-specific data objects for use in a next client session.

4. The method of Claim 1, wherein the client designates the persistent data objects by naming the data objects in a persistent folder in the client name-space.

5. The method of Claim 1, further comprising:

if the first begin scope instruction includes a transient scope instruction and a current client session terminates, then removing the first client-specific resource data objects prior to the first end scope instruction; and

if the first begin scope instruction includes a persistent scope instruction, and one or more of the first client-specific resource data objects is designated persistent in response to a client instruction, then:

if a current client session terminates, then storing the designated persistent client-specific data objects for use in the next client session.

6. The method of Claim 1, wherein the first begin scope instruction and the first end scope instruction include information identifying the first begin scope instruction and the first end scope instruction.

7. The method of Claim 1, further comprising:

receiving a second begin scope instruction, wherein the second begin scope instruction is received after the first begin scope instruction and before the first end scope instruction;

tracking one or more second client-specific resource data objects starting with the second begin scope instruction;

pausing the tracking of the first client-specific resource data;

receiving a second end scope instruction before receiving the first end scope instruction;

removing the second client-specific resource data objects in response to the second end scope instruction; and

resuming tracking the first client-specific resource data objects.

8. The method of Claim 7, further comprising:

if the first and second begin scope instructions include a transient scope instruction and a current client session terminates, then removing the first and second client-specific resource data objects prior to the first and second end scope instructions.

9. The method of Claim 7, further comprising:

if the first and second begin scope instructions include a persistent scope instruction, and one or more of the first and second client-specific resource data objects are designated persistent in response to a client instruction, then:

if a current client session terminates, then storing the designated persistent first and second client-specific data objects for use in a next client session.

10. The method of Claim 7, wherein the client designates the persistent data objects by naming the data objects in a persistent folder in the client name-space.

11. The method of Claim 7, further comprising:

if the first and second begin scope instructions include a transient scope instruction and a current client session terminates, then removing the first and second client-specific resource data objects prior to the first and second end scope instructions; and

if the first and second begin scope instructions include a persistent scope instruction, and one or more of the first and second client-specific resource data objects are designated persistent in response to a client instruction, then:

if a current client session terminates, then storing the designated persistent first and second client-specific data objects for use in a next client session.

12. The method of Claim 7, wherein the first begin scope instruction includes a persistent scope instruction and the second begin scope instruction includes a transient scope instruction.

13. A computer system for programmatically managing the lifetime of client-specific resource data objects over one or more client sessions, the computer system comprising:

one or more computers interconnected by a computer network; a computer program executing on at least one the computers; wherein the computer program further comprise computer instructions for:

receiving a first begin scope instruction;

tracking one or more first client-specific resource data objects in response to the first begin scope instruction;

receiving a first end scope instruction; and

removing the first client-specific resource data objects in response to the first end scope instruction.

14. The computer system of Claim 13, wherein the computer program further comprises computer instructions for:

if the first begin scope instruction includes a transient scope instruction and a current client session terminates, then removing the first client-specific resource data objects prior to the first end scope instruction.

15. The computer system of Claim 13, wherein the computer program further comprises computer instructions for:

if the first begin scope instruction includes a persistent scope instruction, and one or more of the first client-specific resource data objects is designated persistent in response to a client instruction, then:

if a current client session terminates, then storing the designated persistent client-specific data objects for use in a next client session.

16. The computer system of Claim 13, wherein the computer program further comprises computer instructions for designating the persistent data objects by providing a name for the data objects in a persistent folder in the client name-space in response to a client instruction.

17. The computer system of Claim 13, wherein the computer program further comprises computer instructions for:

if the first begin scope instruction includes a transient scope instruction and a current client session terminates, then removing the first client-specific resource data objects prior to the first end scope instruction; and

if the first begin scope instruction includes a persistent scope instruction, and one or more of the first client-specific resource data objects is designated persistent in response to a client instruction, then:

if a current client session terminates, then storing the designated persistent client-specific data objects for use in the next client session.

18. The computer system of Claim 13, wherein the first begin scope instruction and the first end scope instruction include information identifying the first begin scope instruction and the first end scope instruction.

19. The computer system of Claim 13, wherein the computer program further comprises computer instructions for:

receiving a second begin scope instruction, wherein the second begin scope instruction is received after the first begin scope instruction and before the first end scope instruction;

tracking one or more second client-specific resource data objects starting with the second begin scope instruction;

pausing the tracking of the first client-specific resource data objects; receiving a second end scope instruction before receiving the first end scope instruction;

removing the second client-specific resource data objects in response to the second end scope instruction; and

resuming tracking the first client-specific resource data objects.

20. The computer system of Claim 19, wherein the computer program further comprises computer instructions for:

if the first and second begin scope instructions include a transient scope instruction and a current client session terminates, then removing the first and second client-specific resource data objects prior to the first and second end scope instructions.

21. The computer system of Claim 19, wherein the computer program further comprises computer instructions for:

if the first and second begin scope instructions include a persistent scope instruction, and one or more of the first and second client-specific resource data objects are designated persistent in response to a client instruction, then:

if a current client session terminates, then storing the designated persistent first and second client-specific data objects for use in a next client session.

22. The computer system of Claim 19, wherein the computer program further comprises computer instructions for designating the persistent data objects by providing a name for the data objects in a persistent folder in the client name-space in response to a client instruction.

23. The computer system of Claim 19, wherein the computer program further comprises computer instructions for:

if the first and second begin scope instructions include a transient scope instruction and a current client session terminates, then removing the first and second client-specific resource data objects prior to the first and second end scope instructions; and

if the first and second begin scope instructions include a persistent scope instruction, and one or more of the first and second client-specific resource data objects are designated persistent in response to a client instruction, then:

if a current client session terminates, then storing the designated persistent first and second client-specific data objects for use in a next client session.

24. The computer system of Claim 19, wherein the first begin scope instruction includes a persistent scope instruction and the second begin scope instruction includes a transient scope instruction.

APPENDIX B

Evidence: None

APPENDIX C

Related Proceedings: None